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Applicant: Reever  
Application No. 10/736,493  
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Applicants wish to thank the Examiner for the courtesy of a telephonic interview conducted with Applicant's representative on June 27, 2007. During the interview, the restriction requirement set forth in the July 31, 2007 Office action was discussed. In view of the restriction requirement, Applicant reserves the right to present the canceled claims and the subject matter of the amended claims in one or more divisional applications.

Without prejudice and without agreeing with or acquiescence to the rejections in the Office actions mailed from the Office on November 14, 2006 and May 3, 2007, Applicants hereby amend claims 7, 9, and 14 and cancel claim 18.

Support for the changes to claims 7, 9, and 14 can be found throughout the originally filed application at, for example, paragraphs [0045] and [0052]-[0055] and Figs. 8A-8B.

Favorable reconsideration in light of the remarks which follow is respectfully requested.

1. 35 U.S.C. 102 Rejections*Devonec '209*

Claims 7 and 11 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,766,209 to Devonec (hereinafter "Devonec '209"). Applicants respectfully traverse.

As admitted by the Office in the November 14, 2006 Office action at Page 9, lines 1-3, Devonec '209 does not disclose "an anticoagulant on the internal surface of the tubular elements" as recited in amended independent claim 7.

Thus, claim 7 is patentable over Devonec '209. Claim 11 depends from claim 7 and likewise, is patentable over by Devonec '209. Reconsideration and withdrawal of the rejections is respectfully requested.

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***Tihon***

Claims 7 and 11 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,865,815 to Tihon (hereinafter "Tihon"). Applicants respectfully traverse.

Like Devonec '209, Tihon simply does not teach or suggest at least the "anticoagulant disposed on the internal surface of the first segment" aspect recited in amended independent claim 7.

Thus, claim 7 is patentable over Tihon. Claim 11 depends from claim 7 and likewise, is patentable over Tihon. Reconsideration and withdrawal of the rejections is respectfully requested.

***Alt et al.***

Claims 7, 9, 11, and 14 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,788,979 to Alt et al. (hereinafter "Alt"). Applicants respectfully traverse.

Applicants respectfully submit that Alt at least does not teach or suggest a prostatic stent comprising a (i) first segment including an external surface, an internal surface, and a plurality of openings for conveying at least one agent from the lumen to the external surface, (ii) a second segment, or (iii) a connecting segment disposed between the first and second segments and coupling together the first and second segments.

Alt simply does not teach or suggest a second segment, or a connecting segment disposed between a first and second segment and coupling together a first and a second segment. Rather, Alt only shows a single segment (stent 25').

With respect to the plurality of openings, the Office points to Figures 3 and 5. However, Figure 3 is an illustration of a balloon catheter 22 for performing balloon angioplasty to increase the diameter of the artery lumen (see col. 11, lines 12-22). A stent 25 can be implanted to maintain the lumen open either at the same time as the angioplasty (positioning the stent atop the balloon) or the stent can be implanted after angioplasty is finished (see col. 11, lines 23-37). Thus, Figure 3 refers

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to an angioplasty balloon and not a prosthetic stent. Further, nowhere does Figure 3 or the disclosure of Alt teach or suggest a plurality of openings in the prosthetic stent. Figure 5 is also deficient. Figure 5 is an illustration of a stent 25' having a plurality of coating layers 30, 31, 32, 33, 27. While Figure 5 appears to show openings, these openings are in the inner-most layer and are completely covered by the coating layers 30, 31, 32, 33, 27. As such, they are not in communication with the external surface for conveying at least one agent to the external surface.

Accordingly, claim 7 is patentable over Alt. Claims 9, 11, and 14 depend from claim 7 and likewise, are patentable over Alt. Reconsideration and withdrawal of the rejections is respectfully requested.

#### *Devonec '368*

Claim 7 is rejected under 35 U.S.C. 102(b) over U.S. Patent No. 6,238,368 to Devonec (hereinafter "Devonec '368"). Applicants respectfully traverse.

Like Devonec '209, Devonec '368 simply does not teach or suggest at least the "anticoagulant disposed on the internal surface of the first segment" aspect recited in amended independent claim 7.

Accordingly, claim 7 is patentable over Devonec '368. Reconsideration and withdrawal of the rejections is respectfully requested.

## 2. 35 U.S.C. §103 Rejections

#### *Devonec '209 and Donovan*

Claims 9, 10, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) over Devonec '209 and U.S. Patent No. 5,833,651 to Donovan et al. (hereinafter "Donovan"). Applicants respectfully traverse.

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As set forth above, Devonec '209 at least does not teach or suggest an anticoagulant disposed the internal surface of the tubular elements, as recited in amended independent claim 7.

Further, Devonec '209 at least does not teach or suggest a prostatic stent with a first segment locatable on the proximal side of the patient's external urinary sphincter and a second segment locatable on the distal side of the external urinary sphincter, wherein the first segment is provided with an external surface, an internal surface, a lumen defined by the internal surface and extending within the first segment, and a plurality of openings for conveying at least one agent from the lumen to the external surface, as recited in amended independent claim 7.

Devonec '209 describes a prosthesis with two tubular elements (9, 11) that can be "open-worked with perforations 51" wherein the perforations are provided so as to promote the embedding of the prosthesis with respect to the urethral wall (see col. 5, lines 34-40 and Fig. 13). Devonec's outer surface of the tubular elements 9, 11 can be provided with a coating of therapeutic substance (col. 6, lines 4-6). Thus, Devonec's perforations 51 become plugged by the urethral wall which embeds itself within the perforations 51, thus making them incapable of conveying agent from the interior lumen to the external surface of the tubular elements 9, 11. Rather, according to Devonec, if agent is provided, it is pre-coated on the external surface of the tubular elements 9, 11.

Donovan does not remedy these deficiencies. Donovan describes an intraluminal stent having a lumen-wall contacting surface (external surface) and a lumen-exposed surface (internal surface). Like Devonec, Donovan's external surface is provided with a coating of substance (e.g. see col. 15, lines 36-41). Further, Donovan does not teach or suggest openings of any type in the walls of the stent for conveying agent from the lumen to the external surface of the stent.

Accordingly, claim 7 is patentable over Devonec '209 and Donovan. Claims 9, 10, 12, 14, and 15 depend from claim 7 and likewise, are patentable over Devonec '209 and Donovan. Reconsideration and withdrawal of the rejections is respectfully requested.

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Claims 10, 12, and 15 are rejected under 35 U.S.C. 103(a) over Alt. Applicants respectfully traverse.

As set forth above, Alt simply not teach or suggest the "plurality of openings", "second segment", and "connecting segment" aspects of amended independent claim 7.

Accordingly, claim 7 is patentable over Alt. Claims 9-12, 14-15 and 18 depend from claim 7 and likewise, are patentable over Alt. Reconsideration and withdrawal of the rejections is respectfully requested.

#### CONCLUSION

In view of the forgoing, Applicants submit that claims 7, 9-12, and 14-15 are in condition for immediate allowance, which action is earnestly solicited.

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Respectfully submitted,

By

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